FACT SHEET

NPDES Permit Number: IDS-02756-1
Date: April 7, 2000
Public Notice Expiration Date: May 22, 2000
Contact: Kelly Huynh (206) 553-8414 or
1-800-424-4372 (within Region 10 only)
huynh.kelly@epa.gov

The U.S. Environmental Protection Agency (EPA) Plans to Issue a National Pollutant Discharge Elimination System (NPDES) Permit to Discharge Pollutants to Waters of the United States Pursuant to the Provisions of the Clean Water Act (CWA) and the Idaho Division of Environmental Quality Proposes to Certify the Permit

NOTICE OF INTENT TO ISSUE A PERMIT.
The EPA has made a tentative determination to issue a permit, after consultation with the State of Idaho, for the discharge of storm water from the Municipal Separate Storm Sewer System (MS4) owned and operated by the applicants listed below. Permit requirements are based on the Clean Water Act (33 U.S.C. 1251 et seq.), hereafter referred to as the CWA, and NPDES regulations (40 CFR Parts 122 and 124).

APPLICANTS.
The co-applicants are:

Ada County Highway District (ACHD)
318 East 37th
Boise, Idaho 83714

Boise City
P.O. Box 500
150 N. Capitol
Boise, Idaho 83701-0500

Ada County Drainage District #3
Elam and Burke
Attorneys and Counselors of Law
P.O. Box 1539
702 W. Idaho
Boise, Idaho 83701

Idaho Transportation Department
District 3
P.O. Box 8028
8150 Chinden Blvd
Boise, Idaho 83707-9990

Boise State University
1910 University Drive
Boise, Idaho 83725

City of Garden City
201 East 50th
Garden City, Idaho 83714

EPA INVITES COMMENTS ON THE DRAFT PERMIT.

EPA will consider all substantive comments received during the public comment period before issuing a final permit. Those wishing to comment on the draft permit, including the proposed storm water management program (SWMP), may do so in writing by the public notice expiration date at the top of this page. All comments should include the name, address, and telephone number of the commenter; a concise statement of the comment; and the relevant fact upon which the comment is based. During the public comment period any person may request a public hearing to clarify issues involved in the permit decision. A request for a public hearing shall also be in writing and shall state the nature of the issues proposed to be raised in the hearing. All written comments should addressed to Kelly Huynh at U.S. EPA, Region 10, 1200 6th Avenue, OW-130, Seattle, WA 98101; submitted by facsimile to (206) 553-0165; or submitted via e-mail at huynh.kelly@epa.gov.

After the public comment period closes and all comments have been considered, EPA's regional Office of Water Director will make a final decision regarding permit issuance. If no comments requesting a change in the draft permit are received, the tentative conditions in the draft permit will become final, and the permit will become effective immediately upon issuance. If significant comments are received, EPA will address the comments and issue the permit along with a response to comments. The permit will become effective 33 days after the issuance date, unless a request for an evidentiary hearing is submitted within 33 days.

DOCUMENTS ARE AVAILABLE FOR REVIEW.

The draft NPDES permit and related documents can be reviewed at EPA's Regional Office in Seattle between 8:30 a.m. and 4:00 p.m., Monday through Friday. To request copies and other information, contact the NPDES Permits Unit at:

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue, OW-130
Seattle, Washington 98101
(206) 553-0523 or
1 (800) 424-4372 (within Region 10 only)

The fact sheet and draft permit are also available at:

EPA Idaho Operations Office
1445 North Orchard Street
Boise, Idaho 83706
(208) 378-5746

Idaho Division of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 98706-1256
(208) 373-0503

In addition, the draft permit and fact sheet can be found by visiting the Region 10 web site at www.epa.gov/r10earth/water.htm. For technical questions regarding the permit or fact sheet, contact Kelly Huynh at the phone numbers or email address at the top of this fact sheet. Those with impaired hearing or speech may contact a TDD operator at 1-800-833-6384. Ask to be connected to Kelly Huynh at the above phone numbers. Additional services can be made available to persons with disabilities by contacting Kelly Huynh.

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LIST OF ACRONYMS

ACHD	Ada County Highway District
BMP	Best Management Practices
BOD_5	five day Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD_5	five day Chemical Oxygen Demand
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EPA	Environmental Protection Agency
IDEQ	Idaho Division of Environmental Quality
MEP	Maximum Extent Practicable
mg/L	Milligrams per liter
MS4	Municipal Separate Storm Sewer System
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
SWMP	Storm water management plan
TKN	Total Kjeldhal Nitrogen
TSS	Total Suspended Solids
Fg/L	Micrograms per liter
USFWS	United State Fish and Wildlife Service
USGS	United States Geological Survey

I. DESCRIPTION OF THE MUNICIPAL SEPARATE STORM SEWER SYSTEM.

As authorized by Section 402(p) of the CWA, this permit is being proposed on a system-wide basis. The permit covers all areas within the corporate boundary of the City of Boise, Idaho and Garden City, Idaho, served by, or otherwise contributing to, discharges from MS4 owned or operated by the co-applicants.

II BACKGROUND INFORMATION.

Storm water is the surface water runoff that results from precipitation events. As storm water flows across land surfaces, it has the potential to pick up and carry pollutants. Under most natural conditions, storm water is slowed and filtered as it flows through vegetation and wetlands and soaks into the ground, gradually recharging groundwater, and eventually seeping into receiving waters. Urbanization and development have significantly altered the natural pathways and the volumes of the flow of storm water runoff within the Cities of Boise and Garden City. Some of the major consequences of this development include loss of wetlands, elimination of vegetation, and an increased percentage of impervious surfaces, such as parking lots, roadways, and commercial, industrial, and residential structures. These surfaces inhibit rainfall infiltration into the soil and reduce evapo-transpiration; thereby increasing the amount of precipitation converted to runoff. In addition, pollutants tend to accumulate on the impervious surfaces and are easily transported by storm water flows. The majority of pollution in Boise, as described in the U.S. Geological Survey Water-Resources Investigations Report 95-4228, has been attributed to commercial, public and cultural, and low density residential land uses. These three types of land uses contribute 75 to 90 % of the annual pollutant loads while occupying only 65 % of the permit land area. Potential sources of pollution include runoff from roads and parking lots (containing hydrocarbons, heavy metals, sediment); pesticides/fertilizers; construction sites (containing sediment); industrial facilities; illicit discharges; and illegal dumping.

Surface runoff within the Cities of Boise and Garden City is directed into a storm drain system, which consists of a network of underground conveyances, open ditches, gutters, and canals (depending on the location). These systems are separate from the sanitary sewer system; hence the term "Municipal Separate Storm Sewer System." Section 402(p) of the CWA and related federal regulations (40 CFR 122.26) recognize the pollutant contribution of urbanized areas and require NPDES permits and storm water quality management programs for storm water discharges from medium and large municipalities (those serving a population of greater than 100,000).

The CWA recognizes the difficulties inherent in attempts to meet numeric standards and requires that MS4 permits reduce those pollutants discharged to the maximum extent practicable (MEP). The co-applicants are responsible for reviewing pollutant sources and activities throughout the municipal area and implementing a comprehensive SWMP as required and described in the fact sheet, draft permit, and the co-applicants' permit application.

III. DISCHARGES AUTHORIZED BY THIS PERMIT.

A. **Storm water**. This permit authorizes all existing or new storm water discharges to waters of the United States from the MS4 owned or operated by co-applicants within Boise and Garden City.

II **Municipal and Non-storm water**. This permit does authorize the discharge of storm water commingled with flows contributed by process wastewater, storm water associated with industrial activity (as defined in 40 CFR 122.26(b)(14)), or other discharge flows **provided** such discharges are authorized by a separate individual or general NPDES permit. In addition, certain types of non-storm waters listed in 40 CFR 122.26(d)(2)(iv)(B)(1) are allowable if they are not sources of pollution to the waters of the United States. However, the co-applicants are responsible for the quality of the combined discharge and therefore have an interest in locating uncontrolled and un-permitted illicit and industrial storm water discharges.

IV. RECEIVING STREAM SEGMENTS AND DISCHARGE LOCATIONS.

This permit covers discharges from the MS4 to the waters of the United States which include irrigation canals, the Boise River and its tributaries.

V. BASIS FOR PERMIT CONDITIONS. The conditions established by this permit are based on Section 402(p)(3)(B) of the CWA, 33 U.S.C. § 1342(p)(3)(B), which mandates that a permit for discharges from an MS4 must: effectively prohibit the discharge of non-storm water into the MS4; and require controls to reduce pollutants in discharges from the MS4 to the MEP including management practices, control techniques, and system, design and engineering methods, and such other provisions determined to be appropriate. The CWA does not (as it does for other NPDES permits) require MS4 permits to contain any more stringent limitation necessary to meet state water quality standards. Defenders of Wildlife v. Browner, 191 F.3d 1159 (9th Cir. 1999). The intent of the permit conditions is to meet the statutory requirements of Section 402(p)(3)(B) of the CWA.

In accordance with Section 402(p)(3)(B) of the CWA and 40 CFR 122.44(k), the permit requires best management practices (BMPs), implemented through a comprehensive SWMP, as the mechanism for reducing the discharge of pollutants to the MEP. Section 402(p)(3)(B)(iii) of the CWA clearly includes structural controls as a component of MEP requirement. EPA encourages permitted entities to explore opportunities for pollution prevention measures, while reserving the more costly structural controls for higher priority watersheds, or where pollution prevention measures are unfeasible or ineffective.

EPA's MS4 permit application regulations (at 40 CFR 122.26(d)) describe in detail the permit application requirements for owners and operators of MS4s. The purpose of these detailed application requirements is to enable permit writers to determine, on a permit-by-permit basis, the permit conditions necessary to reduce the discharge of pollutants to the

MEP. NRDC v. EPA 966 F.2d 1292, 1308 (9th Cir. 1992). In developing the SWMP requirements contained in Part II of the permit, EPA carefully considered the information included the MS4 permit applications submitted by each co-applicant. These permit applications are included in the administrative record supporting this permitting decision.

No numeric effluent limitations are proposed at this time. Numeric limitations will be included in the final permit if required by the State as a condition for certification of the permit under Section 401 of the CWA, 33 U.S.C. § 1341. EPA may, through the process of permit modification, add numeric limitations to the permit after its issuance if it is determined that the designated beneficial uses of the receiving waters are not being met and such permit modifications are reasonable to help ensure the attainment of water quality standards.

VI. STORM WATER MANAGEMENT PROGRAM.

A. Goals of the Storm Water Management Program. A number of goals (including the following that address discharges from MS4s) were considered in the review of Part II of the applications and in the preparation of the draft permit SWMP. In implementing the SWMP, the co-applicants are encouraged to consider the following goals:

No discharge of toxics in toxic amounts. The discharge of toxics in toxic amounts is prohibited (Section 101(a)(3) of the CWA).

No discharge of floatable debris, oils, scum, foam, or grease in other than trace amounts. The Idaho State Water Quality Standards (IDAPA 16.01.02200.04) states that: "Surface waters of the state shall be free from floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may adversely affect designated beneficial uses. ..."

No discharge of non-storm water from the MS4, except in accordance with Part I.D.1. of the permit. Permits issued to MS4s are specifically required by Section 402(p)(3)(B) of the CWA to "...include a requirement to effectively prohibit non-storm water discharges into the storm sewers..." The regulations (40 CFR 122.26(d)(2)(iv)(B)(1)) allow the co-applicants to accept certain non-storm water discharges where they have not been identified as significant sources of pollutants. Any discharge subject to its own NPDES permit is not subject to the ban on non-storm water.

No degradation or loss of State-designated beneficial uses of receiving waters as a result of storm water discharges from the MS4 (unless authorized by the State in accordance with the State's Anti-degradation Policy). The State of Idaho has adopted an Anti-degradation Policy as part of its Water Quality Standards which provides for maintenance of: existing in stream water uses; existing water quality

levels where existing water quality exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water (except where the State has determined that lowering water quality is necessary to accommodate important economic or social development in the area where the waters are located); existing water quality where high quality waters constitute an outstanding National resource (e.g. waters of National and State parks and wildlife refuges or exceptional recreational or ecological significance); and compliance with Section 316 of the CWA where potential water quality impairment is associated with a thermal discharge.

B. Storm Water Management Program. The regulations, 40 CFR 122.26(d)(2)(iv), authorize separate proposed programs for permitted entities and the imposition of controls for different areas of the MS4 on a watershed, jurisdiction, or individual outfall basis. Due to differences in climate, topography, historical development patterns, legal authority, sensitivity of receiving waters, and many other factors, the EPA believes some flexibility in prioritizing the scope and timing of individual program elements must be afforded the co-applicants. The EPA believes this approach is in accordance with Section 402(p)(3)(B) of the CWA and the intent of Congress. References to the SWMP refer to the conditions within the permit, rather than the conditions found within Part II of the co-permittees applications.

Table A summarizes the SWMP and lists the applicable Code of Federal Regulation (CFR) regulatory reference for that requirement. The table also contains reference to the program elements found in Part II of the application submitted by Ada County on behalf of the co-permittees (e.g. abbreviations such as ED6, ED4, and OM2). The content of the references have been included for informational purposes only, and do not constitute the extent of the requirements under each section. Only the language developed under the accompanying permit contains the definitive requirements of the SWMP. See the glossary of terms in the permit for an explanation of these abbreviated terms.

Table A - *Storm Water Management Program Elements*

Required Program Element	SWMP Elements	Regulatory References (40 CFR 122.26)
Reduce pollutant loadings from commercial and residential areas	Distribute public education materials to householders regarding the correct use and disposal of household hazardous chemical substances, used motor oil and similar substances, and publicize the existence, whereabouts, opening hours, etc. of the household hazardous waste collection facilities; stencil storm water inlets and drains to make the public aware of where the drains discharge (ED6); conduct "Water Awareness Week" and the "Adopt-a-Creek" program (ED4); promote the collection and/or composting of yard wastes from residential and commercial sites; promote the "Keep Watershed Clean" campaign; distribute copies of flyers including but not limited to, the Storm Water Ordinance, RiverCare Tips, and the Storm Water Trooper bookmark; distribute the Storm Water Commercial and Industrial BMPs handbook to commercial and industrial facilities identified as priorities; make the Storm Water Landscapes booklet available to facilities including those developers and contractors aware of the existence of such information; document complaints received from the general public regarding violations of the storm water ordinance, follow up on such complaints, and detail actions taken (ED5).	(d)(2)(iv)(A)
Maintenance activities and schedules involving structural controls	Finalize the January 1997 Boise Storm Water Best Management Practices (BMP) Guidebook, June 1999 City of Boise Storm Water Management Design Manual, and the December 1999 ACHD Development Policy Manual; develop and implement an inspection and maintenance program to include schedules of planned and actual inspection and maintenance activity on all structural controls owned or operated by co-applicants; develop and utilize a record tracking system to record all inspection and maintenance activity; incorporate OM1, OM3.	(d)(2)(iv)(A)(1)
Develop, implement, and enforce controls to reduce the discharge of pollutants from areas of new development & significant redevelopment	Ensure that new development and significant re-development projects apply those minimum requirements, standards, and procedures detailed in the City of Boise Storm Water Best Management Practices Guidebook; develop and adopt a review and approval process for new development and significant re-development; develop and maintain an internal record keeping system to track all activity on project review and approval actions; incorporate PA7, OM2.	(d)(2)(iv)(A)(2)

Required Program Element	SWMP Elements	Regulatory References (40 CFR 122.26)
Roadway operation and maintenance practices	Evaluate ways to reduce pollutant discharges associated with road maintenance and rehabilitation operations; monitor the application of chemicals and sand applied to roadways for snow and ice control; incorporate OM5; implement programs for proper storage of de-icing materials; research alternatives to salt for use in de-icing (OM6).	(d)(2)(iv)(A)(3)
Assess flood management project impacts on water quality and investigate retrofitting structural controls	Complete an inventory of all flood control facilities within their jurisdiction to determine the feasibility of retrofitting existing drainage and flood control facilities to function as water quality facilities; evaluate inventory for opportunities for retrofitting such structures to provide additional pollutant removal (STR2 and 3).	(d)(2)(iv)(A)(4)
Assess, monitor, inspect, and control discharges from landfills, EPCRA 313, industrial, treatment, storage, and disposal facilities	Develop and maintain a database of priority industrial sites; inspect and monitor such facilities for compliance with the storm water ordinance and the NPDES industrial storm water general permit; distribute the storm water commercial and industrial BMPs guidance; and meet with the City of Boise pretreatment inspection program to formalize, develop, and implement, an inspection program of such high risk industrial, and other commercial facilities, based on a binding memorandum of understanding (MOU).	(d)(2)(iv)(A)(5), (d)(2)(iv)(C)(1) and (2)
Pesticides, Herbicides, & Fertilizers Application	Develop a list of regionally appropriate landscaping plants and turf with recommended fertilizer and pesticide application rates; distribute educational materials to, and provide education and training for, applicators contracted by the co-applicants; identify and utilize outreach methods to educate homeowners, and commercial businesses, on the impact of pesticides, herbicides, and fertilizers on aquatic resources, and means to decrease their usage; incorporate PA1.	(d)(2)(iv)(A)(6)
Schedule, detect, and eliminate illicit discharges and improper disposal practices; implement and enforce ordinances banning illicit discharges; conduct field screening activities and investigate priority illicit connections; promote reporting of illicit discharges; education/information activities to facilitate proper management and disposal of used oil and toxics; and controls to limit infiltration from sanitary sewers.	Implement an inspection and enforcement program against illicit connections, that includes dry-weather screening, citizen reports, and employee training in the detection of illicit connections; enforce the Storm Water Management and Discharge Control Ordinance (Chapter 8-15), adopted January 1995; adopt a revision to the ordinance to include the city's new design standards (Storm Water BMP Guidebook); finalize and implement Boise City's Inspection and Enforcement Manual, Boise City's Stormwater Investigation Manual, and Ada County's December 1998 Stormwater Investigation Manual which guides staff through recording, investigating and following up on complaints regarding violations of the ordinance reported by the general public; publicize the availability of a complaints "hotline" (ED 5); utilize appropriately trained staff in operating such a complaint response program; operate the collection services for household hazardous substances and used motor oil.	(d)(2)(iv)(B) and (d)(2)(iv)(B)(1) and (d)(2)(iv)(B)(2) and (3) and (d)(2)(iv)(B)(5) and (d)(2)(iv)(B)(6) and (d)(2)(iv)(B)(7)

Required Program Element	SWMP Elements	Regulatory References (40 CFR 122.26)
Spill Prevention and Response	Participate in an interagency spill response task group to ensure that a coordinated response to spills is achieved, and impacts upon aquatic resources from spilled pollutants are controlled (PA3 and 4, ED7).	(d)(2)(iv)(B)(4)
Reduce Pollutant Loadings in Construction Site Runoff through Planning, BMPs, and Education	Implement the Construction Site Discharge Control Program; conduct inspections of construction sites; maintain a database of all active and completed construction sites within their jurisdiction.	(d)(2)(iv)(D)(1), (2),(3),(4)

VII. STORM WATER MANAGEMENT PROGRAM COMPLIANCE.

Compliance with Part II.A of the permit will be accomplished by the implementation of the described activities of the various elements of the SWMP, according to the schedule included in Part III of the permit. The Co-applicants must fully implement the SWMP, except as indicated in Part III of the permit, within **30 days from the effective date of the permit**. At the end of the 30 days, all the required support and initiation procedures for the SWMP elements should be established and the activities performed as described.

Most of the applicants anticipated a permit issuance date of October 1995. As a result, many are already implementing several components of the SWMP and are now in Year 3 of their implementation schedules. EPA commends these entities on the good faith and forthright implementation of these SWMP components prior to permit issuance. Hence, in many areas, the applicants are well on their way toward achieving compliance with the SWMP implementation schedule.

The SWMP contains implementation schedules for the various SWMP elements. In addition, there are implementation schedules in Part III of the permit for specific SWMP elements. In the case of any conflict between the Part III schedules and the SWMP schedules, the schedules contained in Part III will take precedence. EPA acknowledges that there are many scheduling points contained within the SWMP and that the overall implementation schedule of the SWMP is complex. Even though compliance with the SWMP schedules is required under the terms and conditions of Part II the permit, and a report on the implementation of those elements is required on an annual basis, EPA feels that it is appropriate to more proactively track the most significant aspects of the implementation of the SWMP. This information will be used as an indicator of the permittees' success in meeting the overall SWMP implementation requirements. Therefore, EPA has described those most significant elements of the SWMP and placed deadlines for their implementation in Part III.A. of the permit. These implementation deadlines and compliance with those deadlines will be tracked in EPA's compliance database system along with the required report submittal deadlines. The Permittees' adherence to the SWMP, including implementation schedules contained in the SWMP and the schedules contained in Part III will be considered compliance with Part II.A of the permit.

VIII. ROLES AND RESPONSIBILITIES OF CO-APPLICANTS.

The regulation 40 CFR 122.26(d)(2)(vii) requires the co-applicants to describe the roles and responsibilities of each entity applying for the permit to ensure effective coordination. To this end, on November 1, 1994 the co-applicants (excepting Garden City) entered into a Cooperative Agreement. The purpose of the Cooperative Agreement was to detail duties, roles, and responsibilities of the applicants with respect to compliance with the NPDES rules, regulations, and requirements and the commitments set forth in the SWMP. Each of the co-applicants plans to implement its individual programs on the portion of the system that it owns or operates. The Co-applicants are accountable for understanding their roles and responsibilities regarding permit conditions and their responsibilities involved with the timely implementation of the SWMP. All of the conditions of the SWMP shall be joint and several unless it relates exclusively to discharges from portions of the MS4 owned or operated solely by that permitted entity, is identified by the permit as being the obligation of a single, named permitted entity, or has been identified as being the responsibility of that permitted entity in Appendix A of the draft permit. The co-applicants shall draft an enforceable Cooperative Agreement and submit it to EPA for approval **no later than three months from the effective date of this permit**. This Cooperative Agreement shall identify the roles and responsibilities of the co-applicants and shall be signed by all permitted entities and entered into within **one month** of written or verbal approval from EPA

IX. CO-APPLICANTS' LEGAL AUTHORITY.

The co-applicants are required to have the legal authority necessary to successfully enforce, implement, and complete the various activities described in the permit and SWMP. Boise City adopted a master city ordinance for Storm Water Management and Discharge Control on January 1, 1995. The intent of the ordinance is to address the CWA requirements (Section 402(p)) to effectively prohibit non-storm water discharges into the storm drainage system and require controls to reduce the discharge of pollutants from the MS4 to waters of the United States to the MEP. In addition, the co-applicants adopted a Cooperative Agreement on November 1, 1994 (described in VIII above) to facilitate the implementation of the SWMP. Since this time, Boise City has revised the master city ordinance to include the recently developed Storm Water BMP Guidebook. This guidebook contains new design standards agreed to by a group of experts convened by the city, including representatives from the development and contracting community. On September 14, 1999, Garden City adopted a master city ordinance. Garden City has indicated that this ordinance is consitent with the City of Boise's.

X. CO-APPLICANTS' RESOURCES.

Part II.F. of the permit requires the co-applicants to provide adequate support capabilities to implement their activities under the SWMP. Compliance with Part II.F. will be demonstrated by the co-applicants' ability to fully implement the SWMPs, monitoring programs, and other permit requirements as scheduled. The permit does not require specific funding or staffing levels, thus providing the co-applicants the ability, and incentive, to adopt the most efficient and cost effective methods to comply with permit requirements.

XI. TYPE AND QUANTITY OF POLLUTANT PARAMETERS DISCHARGED.

Table B includes a summary of annual loading calculations for selected pollutants generated from the results of the co-applicants' (excluding Garden City) representative monitoring data from Part 2 (Table 4-9) of the permit application. Other parameters were monitored during the monitoring events. Those results and loading calculations can be found in Section 4.0 of the Part 2 permit application and in the U.S. Geological Survey (USGS), Water-Resources Investigations Report 95-4228.

Table B - *Representative Monitoring Data*

Parameter	Loading Estimates in lbs/year from Permit Application			
	System Annual Loading **35,565 Total Acres**	**Residential and Public** **30,757 Acres**	**Commercial** **2,811 Acres**	**Industrial** **1,997 Acres**
Five day Biochemical Oxygen Demand (BOD_5)	803,000	609,553	175,965	17,482
Five day Chemical Oxygen Demand (COD_5)	2,589,000	1,897,942	527,896	163,162
Total Suspended Solids (TSS)	1,799,000	1,289,850	334,334	174,816
Dissolved Solids	2,781,000	2,222,097	457,510	101,393
Nitrate + Nitrite	11,000	8407	1,777	816
Ammonia + Organic Nitrogen (TKN)	48,000	35,813	10,206	1,981
Total Phosphorus	9,000	6,190	1,936	874
Dissolved Phosphorus	5,300	4,022	1,126	152
Total Cadmium	23	18	2	3
Total Copper	380	253	69	58
Total Lead	1,000	766	106	128
Total Zinc	3,900	2,480	686	734

The co-applicants sampled three separate storm events from five locations which were selected to provide uniform upstream drainage representations from eight different types of area land uses: residential, industrial, commercial vacant, public and cultural, parks and other open spaces, and traffic corridors. The parameters sampled included conventional, non-conventional, organic toxics, and other toxic pollutants. Monitoring data was intended to be used by the co-applicants to assist in their determination of appropriate storm water management practices. EPA used the data to review the application and to determine pollutants of concern discharging from the MS4 that should be monitored during the permit term.

XII. MONITORING AND REPORTING.

A. **Reports Required:** In accordance with 40 CFR 122.42(c), co-applicants are required to contribute to the preparation of an annual system-wide report including the status of implementing the SWMP; proposed changes to the SWMPs; revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application; a summary of the data, including screening and monitoring data, that is accumulated throughout the reporting year; annual expenditures and the budget for the year following each annual report; a summary describing the number and nature of enforcement actions, inspections, and public education programs; and identification of water quality improvements or degradation. The co-applicants are required to do annual evaluations on the effectiveness of the SWMP, and institute or propose modifications necessary to meet the overall permit standard of reducing the discharge of pollutants to the MEP. Copies of these reports submitted to EPA are also available to the public.

B. **Monitoring:** Monitoring of the MS4 is required in accordance with 40 CFR 122.26(d)((2)(iii)(C) and (D). The monitoring shall provide the data necessary to assess the effectiveness and adequacy of SWMP control measures; estimate annual cumulative pollutant loadings from the MS4; estimate event mean concentrations and seasonal pollutants in discharges from major outfalls; identify and prioritize portions of the MS4 requiring additional controls, and identify water quality improvements or degradation. The co-applicants are responsible for conducting any additional monitoring necessary to accurately characterize the quality and quantity of pollutants discharged from the MS4.

The cost of the monitoring program must be balanced with the monitoring objectives and the more important goal of actually implementing controls that will directly effect the quality of the storm water discharge. EPA recognizes that the cost of a storm water monitoring program is significant due to the extreme variability in temporal, volumetric, and pollutant loading properties typical with storm water discharges. However, in addition to utilizing an effective monitoring program to assess the effectiveness of the SWMP as described above, EPA will make future permitting decisions based on the monitoring data collected during the permit term. In addition, the public will be looking for evidence of pollutant reductions. If the required monitoring under the permit proves insufficient to show pollutant reductions, the EPA may require numeric limitations in the next permit cycle. Three types of monitoring are required by the Permit: storm event representative monitoring, sediment analysis, and dry weather monitoring.

1. Storm event representative monitoring. Discharge monitoring of representative outfalls during actual storm events will provide information on the quality of runoff from the MS4, a basis for estimating annual pollutant loads, and a mechanism to evaluate reductions in pollutants discharged from

the MS4. Results from the monitoring program will be submitted annually on Discharge Monitoring Reports (DMRs) with the annual report.

i. Requirements: The co-applicants are required to monitor for the parameters listed in Table IV.A.1.a. of the permit throughout the permit term. Monitoring shall be conducted at the following five monitoring locations: 51-N at Walnut Street; Lucky Drive; Koppel's; Franklin Road; and Production Avenue. These outfalls were chosen because they are representative of the storm water discharges from sources within the jurisdictions of the co-applicants.

a. Parameters: EPA established permit parameter monitoring requirements based on the information provided in Data for and Adjusted Regional Regression Models of Volume and Quality of Urban Storm-Water Runoff in Boise and Garden City, Idaho, 1993-94 ; USGS, 2/22/96; and other water quality studies which were conducted by the USGS for the Lower Boise River Water Quality Plan. These water quality studies indicate the Lower Boise River is water quality impaired for six separate parameters: nutrients, temperature, sediment, dissolved oxygen, oil and grease, and fecals.

The monitoring of Diazinon is required due to the EPA's experience with other MS4 and Publically Owned Treatment Works (POTWs) discharge monitoring data. Diazinon was not included in the application monitoring requirements and therefore although it is not clear if Diazinon is a problem for the MS4, it is reasonable to assume that it is present in the MS4's discharge. Because it is a common component of herbicide and pesticide products typically used in residential settings, Diazinon will serve as an indicator of the effectiveness of public education programs designed to reduce pollution from pesticides, fertilizer, and herbicide use.

b. Frequency: All samples will be collected during at least three qualifying storm events, for each of five sampling locations, each year of the five year permit life except as follows: all volatile, base, neutral, acid, and pesticide organics, shall be monitored at least during two qualifying storm events during the second and fourth years of permit coverage.

c. Floatables monitoring. Floatable surveys shall be accomplished to investigate trends in water quality issues related to manmade debris and floatables. The comparison of yearly survey results should allow the co-applicants and the EPA to assess the impact of the SWMP elements as they

relate to the reduction and elimination of floatables discharge from the MS4.

2. Sediment analysis. Samples of sediments and decant water shall be collected from a minimum of three catch basins representing residential, commercial, and industrial land uses. The location and the rationale behind why the sites were chosen shall be submitted to the EPA within **six months of the effective date of the permit**. A minimum of two samples per permit year shall be collected and analyzed from the representative catch basins. Based upon the results obtained, co-applicants shall assess whether two samples per year can adequately characterize the wastes within the catch basin. The co-applicants shall report their findings in the annual reports following the years' activity. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, any available method may be used. The following are to be sampled as part of this program: total suspended solids, total phosphorous, ortho-phosphorous, total petroleum hydrocarbons, poly-aromatic hydrocarbons, volatile organic compounds, fecal coliform, e. coli, copper, lead, arsenic, cadmium, chromium, nickel, and zinc.

3. Dry weather monitoring. The draft permit requires the permittees to detect the presence of illicit connections and improper discharges to the MS4. All areas of the MS4 must be screened for dry weather discharges at least once during the permit term as described in 40 CFR 122.26 (d)(1)(iv)(D).

C. Quality Assurance Plan: Federal regulation 40 CFR 122.41(e) requires the permittee to develop a Quality Assurance Plan to ensure that the monitoring data submitted is accurate and to explain data anomalies if they occur. The permittee is required to complete and implement a Quality Assurance Plan within 120 days of the effective date of the permit. The Quality Assurance Plan shall consist of standard operating procedures the permittee must follow for collecting, handling, storing and shipping samples, laboratory analysis, and data reporting.

XIII. PERMIT MODIFICATIONS.

A. Reopener Clause: The EPA may reopen and require modifications to the permit (including the SWMP) based on the following factors: changes in the State's Water Quality Standards, other changes in State requirements, changes in Federal requirements, the addition of new co-applicants, SWMP changes impacting compliance with permit requirements, or any other modifications deemed necessary by the EPA to adhere to the requirements of the CWA. The permit also contains a reopener clause should new information indicate the discharges from the MS4 are causing unacceptable environmental effects.

B. **Other changes:** The EPA has attempted to develop permit language to clarify the permit requirements concerning possible changes to the SWMP, permitted entity status, and other changes.

1. Adding or terminating co-applicants: The process for adding new co-applicants or terminating coverage for an existing permitted entity shall adhere to the regulations at 40 CFR 122.64. A notice of intent to terminate will be issued in accordance with draft permit procedures.

2. SWMP Changes: The SWMP is intended as a functioning mechanism for the co-applicants' use. Therefore, minor changes and adjustments to the various SWMP elements are expected and may be necessary to more successfully adhere to the goals of the permit. EPA has determined that these minor changes to the SWMP shall not constitute the need for permit modifications as defined in the regulations. Part II.F. of the permit describes procedures which can be used to perform additions and minor changes to the SWMP. Part II.F. does not allow the co-applicants to remove elements in the SWMP that result from permit conditions or regulatory requirements. Any changes requested by the co-applicants shall be reviewed by the EPA.

3. Additions: EPA does not intend to mandate a permit modification should the co-applicants annex additional lands or accept the transfer of operational authority over portions of the MS4. Implementation of appropriate SWMP elements for these additions (annexed land or transferred authority) is required. The co-applicants must notify EPA of any such additions or transfers in the Annual Report. EPA may require a modification to the permit based on such new information.

4. Monitoring outfalls: The permit is issued on a system-wide basis in accordance with Section 402(p)(3)(I) of the CWA and authorizes discharges from all portions of the MS4 owned or operated by the co-applicants. Since all outfalls are authorized, changes in monitoring locations, other than those with specific numeric effluent limitations, shall be considered minor modifications to the permit and will be made in accordance with the procedures at 40 CFR 122.63.

XIV. OTHER LEGAL REQUIREMENTS.

A. **Endangered Species Act.** The Endangered Species Act requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) on agency actions that could affect any threatened or endangered species or critical habitit.

EPA requested lists of threatened and endangered species from the NMFS and the USFWS in letters dated February 17, 1999. In a letter dated March 3, 1999, the

USFWS identified the Gray Wolf (*Canis lupus*), Bald Eagle *(Haliaeetus leucocephalus*) and Peregrine Falcon (*Falco peregrinus anatum*) as endangered. In a letter dated March 10, 1999, the NMFS stated that there are currently no threatened or endangered species under its jurisdiction in the Boise River.

EPA requested an updated species list on January 24, 2000. EPA was notified that the Peregrine Falcon has been delisted. EPA has determined that the draft permit will have *no effect* on the gray wolf and bald eagle. Hunting and habitat destruction are the primary causes of the gray wolf's decline. Issuance of the NPDES permit will not result in habitat destruction, nor will it result in changes in population that could result in increased habitat destruction. Also, issuance of this draft permit will not impact the food sources of the gray wolf or bald eagle. EPA will provide copies of the draft permit and fact sheet to the USFWS during the public comment period. Comments will be taken into consideration prior to permit issuance.

B. **National Historic Preservation Act**. EPA believes that the reduction of pollutants in natural runoff will not result in the disturbance of any site listed or eligible for listing in the National Historic Register. Therefore, EPA believes that the actions associated with this permit are also in compliance with the terms and conditions of the National Historic Preservation Act. If any permitted entity engages in any activity which meets all of the following criteria, they must consult with and obtain approval from the State Historic Preservation Office prior to initiating the activity 1) the permitted entity is conducting the activity in order to facilitate compliance with this permit; 2) the activity includes excavation and/or construction; and 3) the activity disturbs previously undisturbed land. Some examples of activities subject to this permit condition and the above criteria include, but are not limited to: retention/detention basin construction; storm drain line construction; infiltration basin construction; dredging; and stabilization projects (e.g., retaining walls, gabions). The requirement to submit information on plans for future earth disturbing is not intended for activities such as maintenance and private development construction projects.

XV. STATE CERTIFICATION OF THE DRAFT PERMIT.

Concurrent with the Public Notice of today's draft permit, the EPA is formally requesting State Certification of the permit, as required by Section 401(a)(1) of the CWA, and 40 CFR 124.53. The final permit will contain any condition required by the State as a condition for Certification.